No. 89-392

Supreme Court, U.S.
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IN THE

# Supreme Court of the United States

OCTOBER TERM, 1989

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PHILIP J. BROWN, *et al.*,
*Petitioners*

v.

1250 TWENTY-FOURTH STREET ASSOCIATES LIMITED PARTNERSHIP, *et al.*,
*Respondents.*

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**On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit**

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## RESPONDENTS' MEMORANDUM OPPOSING CERTIORARI

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This case arose out of an adversary proceeding before the United States Bankruptcy Court for the District of Columbia and subsequent proceedings before the District Court. The District Court issued an injunction against the Petitioners,[1] *1250 Twenty-Fourth Street Associates Limited Partnership v. Brown*, 684 F. Supp. 326 (D.D.C. 1988), which was summarily affirmed by a three-judge panel of the Court of Appeals (D.C. Cir. No. 88-7101, unpublished order filed August 12, 1988) (Robinson, Silberman, and Ruth B. Ginsburg, JJ). Seven months later, Petitioners filed a motion to recall and vacate the sum-

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[1] The Petition for Writ of Certiorari refers to the petitioners variously as Philip J. Brown, William J. Brown, and B&W Management, Inc. Only Philip Brown appearing *pro se* has signed the petition. No counsel has appeared for any of the other putative petitioners.

mary affirmance order on the allegation that Circuit Judge Ginsburg had a "conflict of interest." The Court of Appeals denied Petitioners' motion and denied Petitioners' suggestion for *en banc* consideration. The Court also referred the conduct of Petitioners' counsel to the appropriate disciplinary authorities.

This case, like the related pending case of *Brown v. 1250 Twenty-Fourth Street Associates Limited Partnership* (No. 89-384), does not present any questions important enough to warrant review. The Petitioners' arguments are without merit and were determined to be factually and legally insufficient by the Court of Appeals. The Court below acted well within its discretion and within its authority to police its own docket and its own Bar. Because the decision below did not depart from established law and because the Court acted within its discretion on an ample factual record, the petition for writ of *certiorari* should be denied.

Respectfully submitted,

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October 11, 1989